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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,957	Applicant(s) DAVIS ET AL.	
	Examiner Michael Van Handel	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities:

Referring to claim 11, the examiner notes that the language “the one or more parameters” lacks antecedent basis. The examiner recommends that the language be changed to “one or more previously defined parameters” as similarly defined in claim 9. The examiner addresses the claim in the office action below as though the recommended changes have been made.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ullman et al.

Referring to claim 1, Ullman et al. discloses an interactive television system, comprising:

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- a production system configured to generate video combined with triggers (p. 3, paragraph 28 & Fig. 1);
- a first user viewing system (Fig. 5) comprising:
 - o a set top box (digital cable box 140) configured to receive the generated video combined with triggers and configured to send the triggers for retrieval of associated information (p. 5, paragraph 55 & Fig. 5);
 - o a television coupled to the set top box configured to present video and information associated with triggers (p. 5, paragraph 54); and
 - o a user interface coupled to at least one of the set top box or the television, user interface configured to generate a request based on a user selection of the presented information associated with the triggers (the examiner notes that the user can select when to call Web pages for display with the video program)(p. 3, paragraph 29);
- a request processing system coupled to the first user viewing system over a network connection, the request processing system configured to receive triggers from the first user viewing system, retrieve information associated with the received triggers, send the retrieved information associated with the triggers to the first user viewing system, and retrieve information based on the generated request received from the first user viewing system (p. 4-5, paragraphs 50, 55); and
- a second user viewing system coupled to the request processing system over a network connection, the second user viewing system configured to receive the

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retrieved information that is based on the request (the examiner notes that a user can send a received Web page to another user)(p. 6, paragraph 63, 65).

Referring to claims **2** and **8**, Ullman et al. discloses the system/method of claims 1 and 7, respectively, wherein the set top box is configured to retrieve information from servers connected to the Internet based on the generated request (p. 2-3, paragraphs 27, 29).

Referring to claim **3**, Ullman et al. discloses the system of claim 1, wherein one or more triggers are associated with articles stored within a database coupled to the request processing system (p. 5, paragraph 51).

Referring to claims **4** and **9**, Ullman et al. discloses the system/method of claims 1 and 7, respectively, wherein the production system comprises an article associating component configured to associate articles with users based on one or more previously defined parameters (the examiner notes that URLs can be embedded based on personalization features)(p. 4, paragraph 42 & p. 5, paragraph 51).

Referring to claims **5** and **10**, Ullman et al. discloses the system/method of claims 4 and 9, respectively, wherein the parameters comprise at least one of an income range, a user location (p. 4, paragraph 42), a user gender, and a user age.

Note: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **6** and **11** (see claim objections above), Ullman et al. discloses the system/method of claims 4 and 7, respectively, wherein the request processing system is configured to retrieve an article based on the generated request, the one or more parameters, and stored information associated with the user (p. 4, paragraph 42).

Referring to claim 7, Ullman et al. discloses an interactive television method, comprising:

- generating video combined with triggers at a production system (p. 3, paragraph 28 & Fig. 1);
- receiving the generated video combined with triggers at a set top box over a communication link to the production system and receiving the triggers at a request processing system from the set top box over a communication link (p. 5, paragraph 55 & Fig. 5);
- retrieving information associated with the received triggers, sending the retrieved information associated with the triggers to the set top box, presenting the video and the sent information associated with the triggers on a television coupled to the set top box, generating a request using a user interface coupled to at least one of the set top box or the television, the request being based on a user selection of the presented information associated with the triggers, and retrieving information at the request processing system based on the generated request (p. 4-5, paragraphs 50, 55); and
- presenting the retrieved information that is based on the request at a user computer system coupled to the request processing system (the examiner notes that a user can send a received Web page to another user)(p. 6, paragraph 63, 65).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yagawa et al. discloses a method and apparatus for displaying an image and data related to the image conditioned on a user identifier.

Freeman et al. discloses a digital interactive system for providing full interactivity with live programming events.

Du Val discloses a personal computer used in conjunction with a television to display information related to television programming.

Reilly et al. discloses an information and advertising distribution system and method.

Zustak et al. discloses a quote and information system.

Kelly et al. discloses a television event marking system.

Gautier discloses a system for automatic identification of a set-top box user to a network.

Stettner discloses a system and method for interactive advertising.

Kaiser et al. discloses a method, system, and apparatus for providing action selections to an image referencing a product in a video production.

Chan discloses an information distribution and processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is

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571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Van Handel
Examiner
Art Unit 2623

MPV



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